

FILE COPY

FAYETTE COUNTY LEGISLATIVE BODY

FEBRUARY 26, 2008

BE IT REMEMBERED that the Fayette County Legislative Body met in regular session at the Bill G. Kelley Justice Complex in Somerville, Tennessee, on the 26th day of February, 2008. Present and presiding was Chairman Rhea Taylor. Also present were the following: Sue W. Culver, County Clerk; James R. Riles, Sheriff; and the following County Commissioners: Ed Allen, Joann Allen, Charles Brewer, Joe B. Burnette, Jr., Larry Cook, Odis Cox, Lee "Sissy" Dowdle, John F. Dowdy, Ron Gant, Ronald Harris, Thomas Karcher, Bill Kelley, David Lillard, Sylvester Logan, George McCloud, Claude Oglesby, and Myles Wilson.

Absent was Commissioner Steve Anderson.

With a quorum present, the following proceedings were entered of record:

The floor was opened to the public to speak to non-agenda items. Speaking first was Warren Adams of Civil District 2, residing at 22312 Highway 64, Somerville, TN, 38068. Mr. Adams addressed concerns regarding the sprinkler system resolution, requesting that the Commissioners re-visit the issue and at least make some changes.

Dana Pittman then addressed the Board regarding the analysis of the ambulance service which is now taking place. Ms. Pittman volunteered her services as a technical assistant, stating that she has already begun researching data which will prove invaluable to the consultant who does the study. She further stated that she understands the confidentiality of these records and is willing to sign an agreement drawn up by the Mayor in which she will agree not to disclose confidential data. This was agreed to be addressed in the discussion under the Health and Welfare Committee report.

The first item on the agenda was the approval of the minutes from the January 22, 2008 meeting. Motion was made by Commissioner Logan to approve the minutes as presented, seconded by Commissioner Dowdy, and approved unanimously by the Board.

Chairman Taylor then presented the following Resolution Honoring The Men, Women, And Student Precinct Officials Of The Fayette County Election Commission February 5, 2008 Presidential Preference Primary In Fayette County, Tennessee.

WHEREAS, the Presidential Preference Primary was conducted in Fayette County, Tennessee, as well as across the state, along with 21 other states deemed as Super Tuesday; and

WHEREAS, with 2,250 polling locations across the state and 17,000 honest, civic minded individuals, 142 Fayette Countians, including high school students from Fayette Academy and Fayette Ware Comprehensive High School, stepped forward and took the mandatory training to work as an Election Official in 17 precincts; and

WHEREAS, the February 5, 2008 Election brought precinct officials to their assigned location at 6:00 a.m. and all precincts opened on time without incident,

and continued to work throughout the day until closing at 7:00 p.m. or thereafter;
and

WHEREAS, throughout the day, these Officials worked at their polling locations to help their communities pick the candidates they want to lead; and

WHEREAS, when our area was hit by life-threatening weather, with three (3) precincts having to take cover, and another continuing to work without power, they demonstrated courage, judgment, and a sense of responsibility that was unprecedented; and

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNTY LEGISLATIVE BODY OF THE COUNTY OF FAYETTE, TENNESSEE:

Section 1: That the County of Fayette hereby recognizes the Precinct Officials of the Fayette County February 5, 2008 Presidential Preference Primary Election and applauds their extraordinary performance under such life-threatening conditions and commends them for their service beyond the call of duty.

Section 2: That this Resolution shall be in full force and effect from and upon its passage or approval.

Commissioner Wilson moved that the Resolution be adopted, the motion was seconded by Commissioner Brewer, and passed unanimously by the Board.

The next item on the agenda was the election of notaries public.

Commissioner German made the motion, and upon second by Commissioner Dowdle, the following were approved as notaries unanimously by the Board: Emily Joyce Douglass, Gloria G. Douglas, Darlene Hart, Debra Mabone, Janice C. Tapp, and Diana M. Ward.

Next on the agenda was the election of a member to the Public Works Board for Civil Districts 7, 8, and 9 to replace Mr. Robert Turpen, who recently passed away. This appointment will go through August, 2008, when the Board will be re-appointed.

The name of Andy Avery was placed in nomination by Commissioner Joann Allen, and the name of Shane Grinder was placed in nomination by Commissioner Larry Cook.

Upon roll call vote the following votes were tallied:

Voting for Shane Grinder: Commissioners Burnette, Cook, Cox, Dowdle, Dowdy, German, Kelley, and Wilson, (8)

Voting for Andy Avery: Commissioners Ed Allen, Joann Allen, Brewer, Gant, Harris, Karcher, Lillard, Logan, McCloud, and Oglesby.(10)

Therefore, Andy Avery was appointed.

Chairman Taylor then reported for the County Mayor's Office. He welcomed everyone to the Justice Complex, and stated that there are still a few things to be worked out, but the Justice Complex is now complete. He further stated that an open house will be celebrated at 2:00 p.m. on Sunday, March 2, 2008, at the Complex, and that the prisoners will be moved in sometime in March. Chairman Taylor then presented Certificates of Appreciation on behalf of the Mayor's Office for those who participated in the rescue of two workers who were trapped when a utility trench caved in at Hwy 194 and Wade Drive. He stated that

many people coordinated the efforts that saved the lives of the two men, and the following individuals and departments were recognized: Jerry Ray, Fayette County Fire Chief; Sam McKnight, Fayette County Ambulance Service; Jim Smith, Fayette County Public Works; Fayette County Search and Rescue, Sheriff Bobby Riles, and the Fayette County Sheriff's Department, Ed Gaugh, Fayette County EMA; Moscow Fire Department, Rossville Fire Department, Fayette County Fire Departments 10 and 11, and the Fayette County Dispatchers.

Chairman Taylor stated that the Tax Freeze, Building Code, and Ethics Committees will be meeting in March. He further stated that there have been some Strategic planning meetings, and that he needs to establish a committee to follow up on ideas presented at these meetings. Said Committee should be made up of two (2) Commissioners, and some Department Heads, and a couple of citizens.

Commissioner Joann Allen volunteered to serve on this committee. Lenita McCraw, Administrator of the Fayette County Election Commission sent information regarding proposed changes affecting the Election Commission. Chairman Taylor stated that some of these changes would affect the County financially, and would not provide a greater service. He further stated that the Commissioners may need to make some phone calls to legislators regarding these changes.

There were no reports given for the Sheriff's Department, the Board of Education, Juvenile Court, or the Board of Public Works.

Commissioner Wilson then reported for the Development Committee. The floor was turned over to John Pitner, Director of Planning and Development, to present a resolution to correct a numbering error in the Article V Zoning Regulations and to grandfather flag lots and to adopt FEMA Flood Prevention Regulations.

Chairman Taylor then declared a public hearing, but with none speaking "for" or "against" public hearing was closed.

Commissioner German moved to approve, motion was seconded by Commissioner Joann Allen, and approved unanimously by the Board, as follows:

WHEREAS, pursuant to Tennessee Code Annotated Sections 13-7-101 and 13-7-102 the Fayette County Board of Commissioners has adopted a Zoning Resolution and Zoning Map for Fayette County; and

WHEREAS, pursuant to Tennessee Code Annotated Sections 13-7-105 the Fayette County Board of Commissioners is empowered to amend the number, shape, boundary, area, or any regulation of or within any district or districts or any other provision of the zoning resolution; and

WHEREAS, pursuant to Article IV of the Fayette County Zoning Resolution a public hearing was held on the proposed Amendments by the Fayette County Regional Planning Commission on February 4, 2008, the time and place of which was published with at least five (5) days advance notice in the Fayette Falcon newspaper of general circulation in Fayette County; and

WHEREAS, pursuant to Tennessee Code Annotated Section 13-7-105 and Article IV of the Fayette County Zoning Resolution a public hearing was held before the Fayette County Board of Commissioners on February 26, 2008, the time and place of which was published with at least fifteen (15) days advance notice in the Fayette Falcon newspaper of general circulation in Fayette County;

NOW, THEREFORE BE IT RESOLVED BY THE FAYETTE COUNTY BOARD OF COMMISSIONERS, IN REGULAR SESSION ASSEMBLED THIS 26TH DAY OF FEBRUARY, 2008:

SECTION 1. That there be revised from "13" to "15" the Section number of that provision of Article V – "General Provisions" entitled "Provisions Governing On-Site Subsurface Sewage Disposal Systems"; and

SECTION 2. That there be revised Article V, Section 13, which reads: "No permissible building area of a flag lot of record created after the effective date of this Resolution shall be located behind the rear lot of record line of another flag lot of record having frontage on the same road" to read: "Flag Lots of Record. No permissible building area of a flag lot of record created after April 24, 2007, shall be located behind the rear lot of record line of another flag lot of record having frontage on the same road"; and

SECTION 3. That there be revised Article IX, Section I, entitled "F-Flood Damage Prevention District" to adopt the FEMA updated flood damage prevention regulations, of which the most significant are: 1) amendment of the definition of "Substantial Improvement"; 2) new "Permit Procedures"; 3) new "Duties and Responsibilities of the Administrator"; 4) "Specific Standards" increasing the elevation requirements in unnumbered A zones; and 5) addition of "Standards For Streams Without Established Base Flood Elevations Or Floodways (A Zones)"; provided that Article VI – "Variance Procedures" and Article VII – "Legal Status Provisions" of the updated regulations are not herein adopted.

BE IT FURTHER RESOLVED, that this Resolution shall become effective immediately upon its passage, THE PUBLIC WELFARE REQUIRING IT.

Commissioner Wilson further reported that the Adequate Facilities Tax Committee presented requests for the following:
 \$10,000 to the LaGrange Fire Station
 \$20,000 to Piperton for a brush truck to be sent into unincorporated Fayette County at no cost to the County
 \$300,000 to the Oakland Fire Department for a pumper which would be sent fully manned into unincorporated Fayette County at no cost to the County for seven years.
 After much discussion the Committee voted to forward these requests to the Budget Committee for approval.

Chairman Taylor then stated that the Railroad Committee met and discussed three pieces of property to be deeded back to the landowners. The first two pieces of property are located near Country Club Road, and are owned by Mrs. Joy Rosser and Mr. Jimmy Spencer, and one is on Railroad Drive owned by Mrs. Sue Cutrell.

He then presented a Quit-claim Deed for the Jimmy Spencer Property, in which Fayette County is transferring the deed to the property to Mr. Spencer for \$23.60. Motion was made to approve the transfer by Commissioner Dowdle, seconded by Commissioner Dowdy, and approved (contingent upon the County Attorney's approval of the documents) unanimously by the Board.

Next, Commissioner German reported for the Health and Welfare Committee. The Committee met on February 11, 2008, and discussed the Ambulance Resolution. County Attorney Richard Rosser had reviewed the contract between the city of Oakland and Rural Metro Ambulance, and Mayor Taylor presented the letter, along with a resolution to define what the County should do at this time to be in line with Tennessee law, stating the resolution can be amended in the near future when we have guidelines on the operation of an ambulance in the unincorporated areas of the county. This resolution then was presented with no recommendation from the Committee to the full Commission.

After a great deal of discussion Commissioner Cook moved that the Board adopt a "Run Order" establishing the County's Policy regarding the Ambulance Service at this time. The Motion was seconded by Commissioner McCloud. After more discussion Commissioner Burnette moved that the "Run Order" be amended to show that it is in effect until the end of this fiscal year. Commissioner German seconded the motion, with the approval of all Commissioners except Commissioner Joann Allen, who voted "NO".

The Committee also discussed allocating funds for emergency service data research, and this was forwarded to the Budget Committee with full recommendation of the committee, as was the request for Ambulance Data Software (ARTS System).

The Committee reviewed a draft ordinance on controlling excessive noise in unincorporated areas of the county, but no action was taken.

The Personnel Committee did not meet.

Commissioner Oglesby then reported for the Education Committee. He stated that the E-Rate Program, which supplements the computer and internet usage in the schools, and attempts to form a library in Oakland were discussed, but no action was taken.

Next, Commissioner Harris reported for the Budget Committee. Commissioner Harris moved that the following amendment to the General Fund be approved, and upon second by Commissioner Oglesby, was approved unanimously as follows:

RESOLUTION

BE IT RESOLVED, by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular session on this 26th day of February, 2008, it being the fourth Tuesday of the month and the regular monthly meeting of the County Legislative Body in the Courthouse in Somerville, Tennessee.

That the General Fund #101 Budget Amendment be amended in the following words and figures. to-wit:

**COUNTY GENERAL FUND
BUDGET AMENDMENT
F/Y 07/08
February, 2008**

<u>Adjustment to Expenditure Accounts:</u>	INCREASE	DECREASE
<u>54310 Fire Prevention & Control</u>		
336 Maint. & Repairs - Equip	\$ 1,500.00	
413 Drugs & Med. Supplies	_____	<u>\$ 1,500.00</u>
Subtotal-54130	\$ 1,500.00	\$ 1,500.00
 <u>55110 Local Health Center</u>		
335 Maint. & Repair - Bldgs		\$ 2,000.00
355 Travel	<u>\$ 2,000.00</u>	_____
Subtotal - 55110	\$ 2,000.00	\$ 2,000.00
 TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNTS	 \$ 3,500.00	 \$ 3,500.00

A budget amendment for the Sheriff's Department (Drug Fund), was moved for approval by Commissioner Harris. Motion was seconded by Commissioner Dowdle, and approved unanimously by the Board as follows:

RESOLUTION

BE IT RESOLVED, by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular session on this 26th day of February, 2008, it being the fourth Tuesday of the month and the regular monthly meeting of the County Legislative Body in the Courthouse in Somerville, Tennessee.

That the Drug Control Fund #122 Budget Amendment be amended in the following words and figures, to-wit:

**DRUG CONTROL FUND
BUDGET AMENDMENT
F/Y 07/08
February, 2008**

<u>Adjustment to Revenue Accounts:</u>	INCREASE	DECREASE
<u>39000 Undesignated Fund Balance</u>		<u>\$ 15,758.33</u>
TOTAL INCREASE/DECREASE TO REVENUE ACCOUNTS:		\$ 15,758.33
 <u>Adjustment to Expenditure Accounts:</u>		
<u>54150 Drug Enforcement</u>		
499 Other Supplies & Materials	<u>\$ 15,758.33</u>	
 TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNT	 \$ 15,758.33	

Prior Estimated Expenditures	\$ 88,000.00
Total Estimated Expenditures This Amendment	\$ 103,758.33
Projected Fund Balance before Amendment	\$ 150,867.00
Change in Fund Balance This Amendment	\$ 15,758.33
Estimated Ending Fund Balance as of June 30 th , 2008	\$ 135,108.67

Commissioner Harris moved that the following amendment to the Federal Projects Fund (Fund 142) be approved. Motion was seconded by Commissioner Oglesby and passed unanimously as follows:

FEDERAL PROJECTS FUND
FUND 142
SUBFUND 900 - IDEA
FEBRUARY, 2008

		INCREASE	DECREASE
71000	INSTRUCTION		
71200	SPECIAL EDUCATION PROGRAM		
71200 189	Other Salaries and Wages		\$70,792.00
71200 201	Social Security		\$4,388.00
71200 204	State Retirement		\$6,423.00
71200 212	Medicare		\$1,026.00
71200 299	Other Fringe Benefits		\$2,032.00
	TOTAL:	\$0.00	\$84,661.00
72000	SUPPORT SERVICES		
72220	SPECIAL EDUCATION PROGRAM		
72220 189	Other Salaries and Wages	\$70,792.00	
72220 201	Social Security	\$4,388.00	
72220 204	State Retirement	\$6,423.00	
72220 212	Medicare	\$1,026.00	
72220 299	Other Fringe Benefits	\$2,032.00	
	TOTAL:	\$84,661.00	\$0.00
99000	OTHER USES		
99100	TRANSFERS		
99100 530	Transfers to Other Funds	\$133,052.00	
	TOTAL:	\$133,052.00	
	GRAND TOTAL:	\$217,713.00	\$84,661.00
Total Increase: \$133,052.00			
Revenue:	47143 IDEA	\$133,052.00	
Revenue:	Prior Total Available Funds	\$4,146,985.55	
	Total Increase This Amendment	\$133,052.00	
	Total Available Funds This Amendment	\$4,280,037.55	
Expenditures:	Prior Total Estimated Expenditures	\$4,146,985.55	
	Total Increase This Amendment	\$133,052.00	
	Total Estimated Expenditures This Amendment	\$4,280,037.55	

The Department of Education, Division of Special Education indicated that monitors had to be paid from the support services accounts 72220 not instructional accounts 71200 in IDEA. An amendment was submitted to the State on October 4th but will be resubmitted on Monday, January 28th for final approval. It could not be approved before a carry over budget was approved and our office received that on December 20, 2007, during Christmas break. Your office was given a copy of the budget amendment. I am enclosing another for your files and also a copy of the approved carry over budget along with the Federal Completion Report

According to Finance, the procedure for requesting and tracking EIS funds includes the following:

Special Education IDEA will request from FACTS the total amount of EIS funds to be transferred to GP from Part B. The LEA will then issue a check/journal voucher to GP through the 99100 590 code.

GP will receipt the amount in the 49800 code and cost center the amounts to show where these funds are to be used for Early Intervening Services.

GP must then track the funds through non-special education accounts areas, cost center the expenditures and tie back expenditures to the total amount of funds budgeted for EIS from the transfer of funds.

Commissioner Harris stated that the requests from Oakland Fire Department (\$300,000) Piperton Fire Department (\$20,000) and LaGrange Fire Department, (\$10,000) for funding from the Adequate Facilities Tax Funds were being presented to the full Commission with no recommendation from the Budget Committee. After much discussion, Commissioner Harris moved that these requests be denied, and studied in the new budget process for the next fiscal year. This motion was seconded by Commissioner Joann Allen, and followed by a roll call vote:

Voting "YES": Commissioners Joann Allen, Brewer, Burnette, Cox, Dowdle, German, Harris, Karcher, Kelley, Lillard, Logan, McCloud, and Oglesby (13)

Voting "NO" Commissioners Ed Allen, Cook, Dowdy, Gant, and Wilson (5)
Motion passed.

Commissioner Harris moved that \$2,000 be put in a line for data analysis costs to be used at the discretion of the Mayor. Motion was seconded by Commissioner Joann Allen and approved unanimously by the Board.

Commissioner Harris moved that, on a recommendation from the Health and Welfare Committee, that \$15,000 be appropriated to purchase Ambulance Data Software, (ARTS System) and the hardware needed to run it. Motion was seconded by Commissioner Joann Allen and passed unanimously by the Board as follows:

BE IT RESOLVED, by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular session on this 26th day of February, 2008, it being the fourth Tuesday of the month and the regular monthly meeting of the County Legislative Body in the Courthouse in Somerville, Tennessee.

That the General Fund #101 Budget Amendment be amended in the following words and figures, to-wit:

**COUNTY GENERAL FUND
BUDGET AMENDMENT
F/Y 07/08
February, 2008**

<u>Adjustment to Fund Balance:</u>	INCREASE	DECREASE
39000 Undesignated Fund Balance		<u>\$ 17,000.00</u>
TOTAL INCREASE/DECREASE TO FUND BALANCE:		\$ 17,000.00
<u>Adjustment to Expenditure Account:</u>	INCREASE	DECREASE
<u>51300 County Mayor</u>		
399 Other Contracted Services	\$ 2,000.00	
<u>55130 Ambulance/Emergency Medical Services</u>		
709 Data Processing Equipment	<u>\$ 15,000.00</u>	
TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNT	\$ 17,000.00	

Commissioner Harris moved that the two energy grants in the amount of \$500 and \$1500 which are available for use in the county on an annual basis be applied for by the Mayor and that Fayette Academy be the recipient this year. Motion was seconded by Commissioner McCloud, and approved unanimously by the Board.

Commissioner Harris moved that the Mayor be allowed to pursue allowing the Farmer's Market to be set up in front of the alternative school, or at the "spec" building located in the Industrial park as a back-up plan. Motion was seconded by Commissioner Brewer and approved by the Board.

✓ Commissioner Harris moved that Attorney Payson Matthews be re-appointed as the "Back Tax" attorney, at the request of Barbra Parker, Fayette County Trustee. The fee will remain at 10% of taxes collected. This motion was seconded by Commissioner Burnette and approved unanimously by the Board.

○ Commissioner Harris moved to approve a Resolution to Support State Legislation Repealing the Provision that Reduces The Commission Retained by the County Register of Deeds. He stated that the funds are being sent to an old retirement fund, with few members, and that periodically the unused portion of these funds is turned over to the State General Fund. The funds amount to

approximately \$50,000 yearly, which could be used by the County. Motion was seconded by Commissioner McCloud and passed unanimously by the Board as follows:

WHEREAS, the Fayette County Legislative Body has determined that Tennessee Code Annotated Title 67 Chapter 4 Section 409 entitles the Register of Deeds Office to retain a five percent (5%) commission on taxes levied under this section, and

WHEREAS, the County Legislative Body has determined that fifty-two percent (52%) of the five percent (5%) commission has since been retained by the state for the purpose of funding an antiquated retirement system for county officials, and

WHEREAS, the County Legislative Body has determined that the antiquated retirement system is no longer being funded by the fifty-two (52%) of the five percent (5%) commission entitled to be retained by the County Register's Office, and

WHEREAS, such funds are now remitted to the state treasurer and credited to the general fund of the state, and

WHEREAS, the Tennessee Registers Association has asked the state legislative body to repeal the provision that reduces the commission retained by the County Register, and

WHEREAS, the Tennessee Registers Association is asking the County Legislative Body to endorse and support any and all legislation repealing the provision reducing commissions retained by the Register of Deeds Office thereby restoring the retained commission to five percent (5%).

NOW, THEREFORE, BE IT RESOLVED by this legislative body meeting in regular session this _____ day of _____, 2008 in _____ Tennessee that:

SECTION 1: This Legislative Body supports the repeal of the provision reducing the commission retained by the Register of Deeds Office.

SECTION 2: This Legislative Body requests all state legislators to support and adopt legislation repealing said provision.

SECTION 3: The County Clerk's Office shall maintain a copy of this resolution for public inspection in the official minutes of the County Legislative Body and shall forward a certified copy to the County's state Elected representative(s) and senator(s) representing Fayette County urging the repeal of said provision.

Adopted this _____ day of _____, 2008.

Commissioner Harris moved to pass the following Resolution Against Relocation of the Aerobatics Box at Fayette County Airport. The motion was seconded by Commissioner Cook. At this point, Ed Pullian, resident of Moscow, and pilot, asked that he be allowed to address the Board. Mr. Pullian stated that the aerobatics was necessary for pilots to practice their aerobatic skills, and that the current placement of the aerobatics box is the appropriate place for it. Chairman

Taylor stated that when the aerobatics box is in used (should it be re-located) would shut down the entire airport, and would not allow any planes to land or take off. After a great deal of discussion the motion was passed unanimously by the Board as follows:

February 12, 2008

WHEREAS, Fayette County owns and operates an airport for the public good, and

WHEREAS, A request has been made to move an aerobatics box over the entire airport, and

WHEREAS, This will cause a safety hazard over the airport for those pilots who casually fly and for those who are learning, and

WHEREAS, This will allow a few individuals to close the airport to outside traffic for periods of time when they are practicing stunts, and

WHEREAS, Federal, state and local taxes have been invested in this facility for the benefit of all and not only for a few;

NOW, THEREFORE, BE IT RESOLVED by the Fayette County Commission that the Federal Aviation Administration be notified that the Fayette County Commission is against this relocation and it should be reinstated to its original location

Adopted this 26th day of February, 2008.

Commissioner Harris moved that a committee be formed consisting of the following people: Budget Committee Chairman; (Ronnie Harris), Superintendent of Schools and County Commissioner (Myles Wilson), County Commissioner David Lillard, County Commissioner Claude Oglesby; Public Works Chairman, Jim Smith, and the County Mayor; to do a study to see if centralized accounting is feasible and whether or not it should be adopted by Fayette County, and to report back to the Board. Commissioner Dowdle seconded the motion, which passed unanimously by the Board.

Commissioner Harris moved that the Budget Calendar submitted by the Mayor's Office be approved. Motion was seconded by Commissioner Brewer and approved unanimously.

County Attorney Richard Rosser addressed the agreement (or its elements) between the City of Somerville and the County regarding the placement and maintenance of water lines at the new Justice Complex. He stated that the contract should be more specific regarding costs to the county for repairs to the water lines, citing the paragraph where the contract states that the city will not do any repairs to the water line from Highway 76 to the Justice Complex, and if they did so, the county would be responsible for accessing the lines and re-covering them once repairs were made. The repairs will be done by the City of Somerville, and charged at the "normal" rate. Mr Rosser asked that the City be more specific regarding these fees. At this point, Mayor Bob Morris of the City of Somerville, addressed the Board. He stated that the water quality would not be an issue because the same water that goes to the Justice Complex also is used by city residents in their homes, and therefore, will be maintained by the City. He further stated that he could not better define the "fees" that would be charged for maintenance of the water lines, because the costs of material and labor can change from day to day. He stated that the City of Somerville would not accept responsibility for the water line from Highway 76 to the Justice Complex, because the City of Somerville was not consulted when the building was being constructed or they would have advised the engineers to tap into the line on the south side at Fayette Academy which would have provided a lot more water pressure, and at some point that might still need to be checked into.

After much discussion, Chairman Taylor asked if the cost issue could be resolved to the County Attorney's satisfaction, and if language could be added on the responsibility as to the quality of the water, that this resolution be approved. Commissioner Burnett moved that the "Agreement Between the City of Somerville and the County be approved – contingent upon these issues being resolved. Motion was seconded by Commissioner German and approved unanimously by the Board.

The Town of Somerville will agree to accept the water line constructed from Highway 76 South to the point of termination at the meter assembly for the Fayette County Criminal Justice Center (FCCJC); and designated for service to the FCCJC with the following agreed conditions:

1. The County will provide an accurate set of "As-Constructed" drawings for the water line and meter assembly.
2. The County will provide copies of the Daily Inspector's Reports for the installation of the water line.
3. The County will provide all results related to bacteriological, pressure and leakage tests conducted on the water line.
4. Somerville has significant concerns over the construction of vertical line segments, fitting installation, ditch/low area crossings and line depths on the line segment between the driveway to the transfer station and the meter vault at the FCCJC site. Therefore, the County will agree to pay all costs associated with maintenance of this line segment or for the repair and restoration following any line (or line appurtenance) failure in this line segment. The Town of Somerville agrees to provide the County with detailed costs for any maintenance activity undertaken or any expense incurred related to the water line.

Commissioner Logan moved that the following Resolution be passed allowing the Mayor to apply for a grant from the Tennessee Housing Development Agency (THDA), in the amount of \$500,000. The grant requires no matching funds from the County.

The motion was seconded by Commissioner Oglesby, and passed unanimously by the Board.

Commissioner Burnette then moved for a suspension of the rules so that the fire sprinkler resolution could be readdressed, not to amend or repeal it, but to delay its implementation. He stated that there is still a lot of confusion about the resolution, especially among builders. The motion to suspend the rules was seconded by Commissioner German, and the following roll call vote was taken:

Voting "YES": Commissioners Brewer, Burnette, Cook, Cox, Dowdle, Dowdy, Gant, German, Karcher, Kelley, and Wilson(11)

Voting "NO" Commissioners Joann Allen, Dowdle, Harris, Lillard, Logan, McCloud, and Oglesby (6).

"PASSING" Commissioner Ed Allen

The motion failed for a lack of two-thirds (2/3) majority.

Commissioner Cook then moved that the Fire Sprinkler Resolution be amended to take place when the County begins to furnish municipal water to all residents of the County. The motion was duly seconded.

Commissioner Harris then called for a Point of Order vote, and upon roll call vote the following vote was recorded:

Voting "YES": Commissioners Brewer, Burnette, Cook, Cox, Dowdy, German, Karcher, and Kelley(6)

Voting "NO" Commissioners Ed Allen, Joann Allen, Dowdle, Harris, Lillard, Logan, McCloud, Oglesby, and Wilson(9)

"PASSING" Commissioner Gant

The point of order was upheld, that the motion made by Commissioner Cook was out of order.

Motion was then made to adjourn by Commissioner Harris, duly seconded and the meeting was adjourned.

Rhea Taylor, County Mayor

ATTEST:

Sue W. Culver, County Clerk